

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-172-D

WILLIAM C. MANN,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
M. DALE SWIGGETT,)	
)	
Defendant.)	

On June 14, 2011, Magistrate Judge Daniel issued a Memorandum and Recommendation (“M&R”) [D.E. 44]. In that M&R, Judge Daniel recommended that (1) defendant’s motion to dismiss [D.E. 26]; (2) plaintiff’s motion for summary judgment [D.E. 28]; and (3) defendant’s motion to take depositions, remove plaintiff’s counsel, and calendar the case [D.E. 32] be denied. On June 15, 2011, plaintiff filed an objection to the M&R [D.E. 45]. On June 28, 2011, defendant filed his response [D.E. 46].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quotation omitted) (emphasis removed) (alteration in original). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. As for those portions of the M&R to which no party objected, the court is satisfied that there is no clear error on the face of the

record. The court has reviewed de novo the portion of the M&R to which plaintiff objected. The court overrules the objection and adopts the M&R. Defendant's motion to dismiss [D.E. 26]; (2) plaintiff's motion for summary judgment [D.E. 28]; and (3) defendant's motion to take depositions, remove plaintiff's counsel, and calendar the case [D.E. 32] are DENIED.

SO ORDERED. This 21 day of July 2011.



JAMES C. DEVER III
United States District Judge